

164

AGREEMENT

Made this 28 day of September 2001, by and between World Liquor, Inc., t/a World Liquors (Applicant) and Advisory Neighborhood Commission 6B (ANC 6B).

WITNESSETH

WHEREAS, Applicant is the current holder of a Retailers' Class "A" license for premises, 1453 Pennsylvania Avenue, SE, Alcohol Beverage Control (ABC) Application #164, issued by the District of Columbia Alcoholic Beverage Control Board; and,

WHEREAS, the premises is located within the boundaries of the Advisory Neighborhood Commission (ANC); and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issuance of a Retailers' Class "A" Liquor License at the subject premises; and,

WHEREAS, ANC 6B finds that the sale of single containers of beer ("singles") containing Forty ounces (40 oz.) or less is associated with alcohol abuse and the illegal consumption of alcohol in public; and,

WHEREAS, this alcohol abuse and public consumption negatively impacts the peace, quiet and order of the community through manifestation of elevated noise levels, public violence and other harmful, offensive and/or illegal behavior, including public urination/defecation and aggressive panhandling, among others, as well as the accumulation of trash, litter, and other destructive and publicly costly debris,

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. maintaining a "No Loitering/No Panhandling" sign on the exterior of the establishment;
and,
 - b. posting a sign on the interior of the establishment requesting customers not to contribute to panhandlers; and,

- c. installing and maintaining security cameras to monitor activities within and outside the premises; and,
 - d. maintaining exterior security lamps which shall operate from dusk to dawn to fully illuminate both the Pennsylvania Avenue and the 15th Street sides of the premises; and,
 - e. inform persons observed loitering outside the premises that they must remove themselves from the area; and,
 - f. telephoning the Metropolitan Police Department (MPD) should such persons observed loitering refuse applicant's directive to remove themselves; and,
 - g. keep a written recordation of dates, times, reasons for and responses from MPD when they are telephoned for assistance in any matter, including that mentioned above; and,
 - h. not permit the installation of any type outdoor pay telephones on or near the exterior of the premises and opposing efforts by any other party to install such on, adjacent to, or near the establishment; and,
 - i. not permit the installation of any type food or beverage vending machines on or near the exterior of the premises and opposing efforts by any other party to install such on, adjacent to, or near the establishment; and,
 - j. regularly meet with community representatives and the Advisory Neighborhood Council (ANC) to discuss community concerns.
2. Applicant will maintain the public space adjacent to the establishment in a clean, orderly and litter-free condition by:
- a. on a daily basis, and more often if required, picking up all trash, litter, and other debris; and,
 - b. on a daily basis, and more often if needed, sweeping the exterior of the establishment in conjunction with above.
3. Applicant will not sell or provide any type cups, single or otherwise, or single servings of ice.
4. Applicant will maintain the interior and exterior of the establishment in a clean, freshly painted and graffiti-free condition.

5. Applicant will completely open all window security shutters/gates/coverings during business operating hours.
6. Applicant will participate in an Alcohol Beverage Control (ABC) Board approved course in alcoholic beverage sales management.
7. Applicant will only sell or distribute single containers of beer and all pint or half-pint containers of alcohol by placing containers in clear plastic bags.
8. Applicant will not sell or distribute single containers of beer or alcohol after 9:00 p.m.
9. Applicant will discontinue the sale of "singles" of any type beer when Capitol Hill Market (ABC Application #624), Potomac Deli, Albert's Liquor, and Tony's Carryout also stop the sale of singles.
10. Applicant will close by ~~9:00~~^{10:00} p.m. on Friday and Saturday. *KPS*
11. Applicant agrees to support and participate in the organization and operations of a Capitol Hill Business Improvement District (BID) if the boundaries of such include his establishment
12. All parties agree that this Agreement replaces and supercedes the Agreement between said parties dated May 27, 1997.
13. All parties further agree that failure of Applicant to adhere to any portion of the foregoing Agreement/commitment will constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.
14. In consideration of, and reliance upon, the commitments reflected in paragraphs 1 through 12 of the Agreement above, the ANC hereby withdraws its opposition to the applicant's pending liquor license renewal application.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 

Richard Lee

Treasurer of Capitol Hill Market

By: 

Kenan Jestro
Chair

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

World Liquors, Inc.
t/a World Liquors

Application for a Retailer's Class
A License (renewal)
at premises
1453 Pennsylvania Avenue, S.E.
Washington, D.C.

Case no. 164-01/037P

Kenan P. Jarboe, Chairperson, Advisory Neighborhood Commission 6B

Soo Hwang Lee, President, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey E. Thompson, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The application, having been protested, came before the Board on May 16, 2001, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Kenan P. Jarboe, Chairperson, on behalf of the Advisory Neighborhood Commission 6B, filed timely opposition.

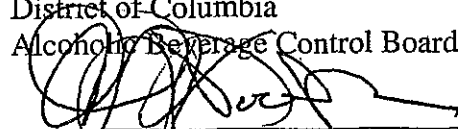
The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated September 28, 2001, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 19th day of December 2001, **ORDERED** that:

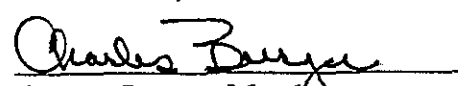
World Liquors, Inc.
t/a World Liquors
Page two

1. The opposition of Kenan P. Jarboe, Chairperson, on behalf of the Advisory Neighborhood Commission 6B, be, and the same hereby, is **WITHDRAWN**;
2. The application of World Liquors, Inc. t/a World Liquors, 1453 Pennsylvania Avenue, S.E., Washington, D.C. 20002 for a retailer's class A license (renewal) located at 1453 Pennsylvania Avenue, S.E., Washington, D.C., be, and the same hereby, is **GRANTED**;
3. The above-referenced agreement between the parties, be, and the same hereby is, **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

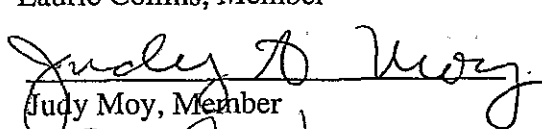
District of Columbia
Alcoholic Beverage Control Board

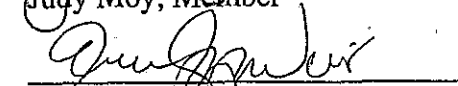

Roderic L. Woodson, Esquire, Chair

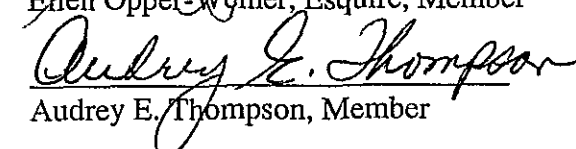

Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member


Ellen Oppet-Weiner, Esquire, Member


Audrey E. Thompson, Member

AGREEMENT

Made this 27 day of May 1997, by and between World Liquor, Inc., t/a World Liquors, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A " license for premises, 1453 Pennsylvania Ave. SE, ABC Application #164, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "A " Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately 40 % of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

Handwritten signature and initials, possibly "32", in the bottom right corner.

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment;
 - b. posting a sign inside requesting customers not to contribute to panhandlers;
 - c. asking loiterers to move on whenever they are observed outside the establishment;
 - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on;
 - e. keeping a written record of dates and times when the MPD is called for assistance;
 - f. not installing a payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment; and
 - g. by playing classical music, as permitted by law, outside the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis or more frequently if needed.
 - b. sweeping the outside of the establishment on a daily basis, or more frequently if needed.
3. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales.
4. In consideration of, and reliance upon, the commitments reflected in paragraph 1-3, the ANC hereby withdraws its opposition to the applicant's pending license application.
5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: Michael C Kim
Michael C Kim

By: Gottlieb Simon
GOTTLIEB SIMON
RCS

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the Agreement dated May 27, 1997, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.

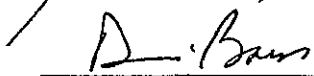
World Liquors, Inc.
t/a World Liquors
Page two


Accordingly, it is this 6 day of May 1998, **ORDERED**
that:

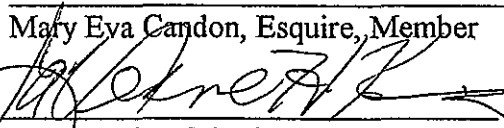
1. The protest of Thomas Wells, Chair, on behalf of the Advisory Neighborhood Commission 6B, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of World Liquor, Inc. t/a World Liquor for a retailer's license class A -renewal at premises 1453 Pennsylvania Avenue, S.E., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

**DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD**

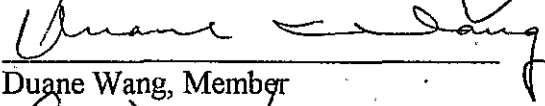

Barbara L. Smith, Esquire, Chair

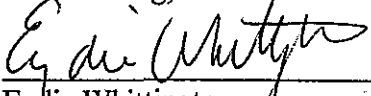

Dennis Bass, Member


Allen Beach, Member


Mary Eva Candon, Esquire, Member


Laverne King, Member


Duane Wang, Member


Eydie Whittington